

AMENDMENTS TO THE DRAWINGS

The attached replacement and annotated drawing sheets include changes to Fig. 1B. The replacement sheet replaces the original sheet including Fig. 1B. As illustrated by the annotated sheet, the power source 70 is contained within the housing 30 of the illuminated display apparatus 10 such that the power source 70 is not visible to a viewer.

Attachments: Replacement sheet

Annotated Sheet Showing Changes

REMARKS

Claims 1-9 and 11-19 are pending in the present application. By this amendment, claims 1 and 15-18 are amended, and claim 10 is canceled without prejudice. Also, claim 19 is added. Applicant respectfully requests reconsideration of the present claims in view of the following remarks.

I. Objections to the Drawings

The drawings are rejected under 37 CFR 1.83(a) for failing to show every feature of the invention specified in the claims. In particular, the Examiner notes that the battery housing within the recessed area recited in claims 15 and 17 must be shown in the drawings or must be canceled from the claims. Accordingly, Applicant has amended Fig. 1B of the drawings to illustrate the power source 70 within the recessed area 38 of the housing 30. Applicant respectfully submits that the amendment overcomes this rejection.

II. Claim Rejections

Claim Rejections Under 35 U.S.C. §102

Claims 1-3, 9, and 14 are rejected under 35 U.S.C. §102(b) as being anticipated by United States Patent No. 2,840,228 to Takacs (hereinafter “Takacs”). This rejection is respectfully traversed.

As amended, claim 1 recites that an illuminated display apparatus comprises a frame member having an exterior side, an interior side, an inner perimeter, and a center opening defined by the inner perimeter; and a transparent plate located within the center opening of the frame member, the transparent plate spaced apart from the rear wall of the housing, wherein the interior side of the frame member further comprises a notch portion for retaining the transparent plate, the notch portion extending along the inner perimeter of the frame member.

Takacs does not teach or suggest an illuminated display apparatus as recited by claim 1. On the contrary, Takacs teaches a display case comprising a transparent cover enclosed by a frame. This is not analogous to the illuminated display apparatus recited by claim 1 because Takacs fails to teach or suggest that an interior side of the frame

comprises a notch portion extending along the inner perimeter of the frame for retaining the transparent cover. Instead, Takacs teaches that the frame encloses the transparent cover, without suggesting that an interior side of the frame comprises a notch portion for retaining the transparent cover.

For at least the reasons given above, claim 1 is allowable over Takacs. Since claims 2-3, 9, and 14 depend from claim 1 and recite additional features, Applicant respectfully submits that Takacs does not make obvious Applicant's claimed invention as embodied in claims 2-3, 9, and 14 for at least these reasons. Accordingly, withdrawal of this rejection is respectfully requested.

As amended, claim 1 includes subject matter similar to what claim 10 recited prior to being canceled. In the Office Action, claim 10 is rejected as being unpatentable over Takacs in view of United States Patent No. 2,549,928 to Reefer (hereinafter "Reefer"). However, similar to Takacs, Reefer does not teach or suggest an illuminated display apparatus as recited by claim 1. In contrast, Reefer describes an illuminated picture frame composed of two long flat top and bottom members, two flat side members all of rectangular cross section and joined together at the corners, and a metal shield on the front side of the picture frame having the outside dimensions of the picture frame and beveled or inwardly bent edges forming an inner window through which a picture is visible. Reefer describes that a vertical groove is cut in each of the side members along their inner face for seating a glass, while a rear groove runs all the way down to the bottom member for depositing a board or backing. This is not analogous to the illuminated display apparatus recited by claim 1 because Reefer fails to teach or suggest that an interior side of the metal shield comprises a notch portion extending along the inner perimeter of the metal shield for retaining the glass. Instead, Reefer describes that the side members include a vertical groove extending along the members' inner face for seating the glass, without suggesting that an interior side of the metal shield comprises a notch portion extending along the inner perimeter of the metal shield for retaining the glass. For at least these reasons, claim 1 is allowable over the combined teaching of Takacs and Reefer.

Claim Rejections Under 35 U.S.C. §103(a) Over Takacs in View of Herrin

Claim 4 is rejected under 35 U.S.C. §103(a) as being unpatentable over Takacs in view of United States Patent No. 3,503,147 to Herrin et al. (hereinafter “Herrin”). This rejection is respectfully traversed.

For at least the reasons stated above, claim 1 is allowable over Takacs. Since claim 4 depends from claim 1 and recites additional features, Applicant respectfully submits that the combined teaching of Takacs and Herrin does not make obvious Applicant’s claimed invention as embodied in claim 4 for at least these reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claim Rejections Under 35 U.S.C. §103(a) Over Takacs in View of Glucksman

Claim 6 is rejected under 35 U.S.C. §103(a) as being unpatentable over Takacs in view of United States Patent No. 4,819,353 to Glucksman et al. (hereinafter “Glucksman”). Applicant respectfully traverses this rejection.

For at least the reasons stated above, claim 1 is allowable over Takacs. Since claim 6 depends from claim 1 and recites additional features, Applicant respectfully submits that the combined teaching of Takacs and Glucksman does not make obvious Applicant’s claimed invention as embodied in claim 6 for at least these reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claim Rejections Under 35 U.S.C. §103(a) Over Takacs in View of Glucksman and Hermann

Claims 8 and 13 are rejected under 35 U.S.C. §103(a) as being unpatentable over Takacs in view of Glucksman and further in view of United States Patent No. 5,555,654 to Hermann (hereinafter “Hermann”). This rejection is respectfully traversed.

For at least the reasons stated above, claim 1 is allowable over Takacs. Since claims 8 and 13 depend from claim 1 and recite additional features, Applicant respectfully submits that the combined teaching of Takacs, Glucksman, and Hermann does not make obvious Applicant’s claimed invention as embodied in claims 8 and 13 for at least these reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claim Rejections Under 35 U.S.C. §103(a) Over Takacs in View of Glucksman and Jenkins

Claim 7 is rejected under 35 U.S.C. §103(a) as being unpatentable over Takacs in view of Glucksman and further in view of United States Patent No. 5,426,573 to Jenkins (hereinafter “Jenkins”). This rejection is respectfully traversed.

For at least the reasons stated above, claim 1 is allowable over Takacs. Since claim 7 depends from claim 1 and recites additional features, Applicant respectfully submits that the combined teaching of Takacs, Glucksman, and Jenkins does not make obvious Applicant’s claimed invention as embodied in claim 7 for at least these reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claim Rejections Under 35 U.S.C. §103(a) Over Takacs in View of Jenkins

Claim 5 is rejected under 35 U.S.C. §103(a) as being unpatentable over Takacs in view of Jenkins. Applicant respectfully traverses this rejection.

For at least the reasons stated above, claim 1 is allowable over Takacs. Since claim 5 depends from claim 1 and recites additional features, Applicant respectfully submits that the combined teaching of Takacs and Jenkins does not make obvious Applicant’s claimed invention as embodied in claim 5 for at least these reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claim Rejections Under 35 U.S.C. §130(a) Over Takacs in View of Reefer

Claims 10-12 are rejected under 35 U.S.C. §103(a) as being patentable over Takacs in view of Reefer. As noted above, claim 10 is canceled without prejudice rendering this rejection moot with regard to claim 10. This rejection is respectfully traversed.

For at least the reasons stated above, claim 1 is allowable over Takacs. Since claims 11-12 depend from claim 1 and recite additional features, Applicant respectfully submits that the combined teaching of Takacs and Reefer does not make obvious Applicant’s claimed invention as embodied in claims 11-12 for at least these reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claim Rejections Under 35 U.S.C. §103(a) Over Takacs in View of Warner

Claims 15-18 are rejected under 35 U.S.C. §103(a) as being unpatentable over Takacs in view of United States Patent No. 5,313,724 to Warner (hereinafter "Warner"). Applicant respectfully traverses this rejection.

For at least the reasons stated above, claim 1 is allowable over Takacs. Since claims 15-18 depend from claim 1 and recite additional features, Applicant respectfully submits that the combined teaching of Takacs and Warner does not make obvious Applicant's claimed invention as embodied in claims 15-18 for at least these reasons. Accordingly, withdrawal of this rejection is respectfully requested.

III. New Claim 19

New claim 19 is directed to further embodiments of Applicant's claimed invention. Support for new claim 19 may be found at page 5, lines 19-21 and in Figs. 1A, 3A, and 4.

New claim 19 is allowable over the cited references for at least the reasons given above with regard to claim 1.

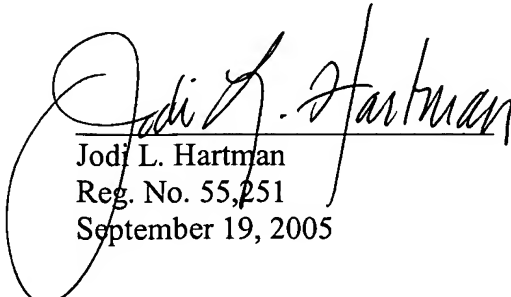
CONCLUSION

For at least these reasons, Applicant asserts that the pending claims 1-9 and 11-19 are in condition for allowance. Applicant further asserts that this response addresses each and every point of the Office Action, and respectfully requests that the Examiner pass this application with claims 1-9 and 11-19 to allowance. Should the Examiner have any questions, please contact Applicant's attorney at 404.954.5042.

Respectfully submitted,

MERCHANT & GOULD, LLC

MERCHANT & GOULD, LLC
P.O. Box 2903
Minneapolis, MN 55402-0903
(404) 954.5042


Jodi L. Hartman
Reg. No. 55,251
September 19, 2005



Annotated Sheet Showing Changes - FIG. 1B

2/6

